IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 3202 of 2006(F)

PETITIONER:

ALIYAR, S/O. ISMAIL,
KALLUMPURATHU, PALLARIMANGALAM KARA,
POTHINAKADU VILLAGE, KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.H. BADARUDDIN

RESPONDENTS:
---

1. MUVATTUPUZHA-KOTHAMANGALAM PRIMARY CO-OPERATIVE AGRICULTURAL RURAL DEVELOPMENT BANK LTD.NO.4389, MUVATTUPUZHA.

2. THE MUVATTUPUZHA-KOTHAMANGALAM PRIMARY CO-OPERATIE AGRICULTURAL RURAL DEVELOPMENT BANK, BRANCH OFFICE AT KOTHAMANGLAM, REPRESENTED BY ITS SECRETARY.

3. THE SPECIAL SALE OFFICER,
THE MUVATTUPUZHA-KOTHAMANGALAM PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK GROUP, MUVATTUPUZHA.

4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.

BY ADV. SRI. MANOJ KUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE RECIEPT DATED 30.06.2001 FOR THE PAYMENT OF RS.25,000/-

EXT.P2: TRUE COPY OF THE REPRESENTATION DATED 03.07.2002 MADE BY THE PETITIONER BEFORE THE SOCIETY.

EXT.P3: TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER IN REGISTERED POST IN THE YEAR 2002.

EXT.P4: TRUE COPY OF THE SET OF NOTICE AND PROCLAMATION FOR THE SALE OF THE IMMOVABLE PROPERTY OF THE PETITIONER SCHEDULED TO 03.02.2006 FOR THE SALE.

EXT.P5: TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 27.01.2006.

EXT.P6: TRUE COPY OF THE CIRCULAR NO. 8/2004 OF THE REGISTRAR OF CO-OPERATIVE SOCIETY.

EXT.P7: TRUE COPY OF THE EXTRACT OF THE SCHEME OF OTS UNDER THE COMPROMISE SETTLEMENT SCHEME.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

==========

W.P.(C) NO. 3202 OF 2006

==========

Dated this the 19th day of July, 2007.

JUDGMENT

The writ petition is filed with the following prayer:

i. issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 to 4 afford the petitioner the chance to settle the loan dues payable by him to the respondents 1 to 3 under the Ext.P7 OTS compromised settlement scheme, after scrutinizing the accounts of loan and settlement of dispute of any through the forum of the 4th respondent herein.

2. In case no action has been taken on Ext.P5, there will be a direction to the 4th respondent to look into Ext.P5 with notice to the petitioner and 1st and 2nd respondents and take appropriate action thereon, in accordance with law, within a period of four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

rv